

Plaintiffs advance no further argument in opposition and their original argument fails. City Committee, as a major political party, is not a state actor. Generally, there will not be a finding of state action unless the actor is an agent of the government, performs a function “traditionally exclusively reserved to the State,” or there is joint participation between the government and the state. See Lebron v. Nat’l RR. Passenger Corp., 513 U.S. 374, 397 (1995), Jackson v. Metro. Edison Co., 419 U.S. 345, 352 (1974), Shelley v. Kraemer, 334 U.S. 1 (1948) and Lugar v. Edmonson Oil Co., 457 U.S. 922, 937 (1982). Obviously, City Committee is not an agent of the government. City Committee does not perform duties traditionally reserved for the State. Title 25 of the PA Code gives exactly zero responsibilities to political parties, and it cannot possibly be the case, as Plaintiffs argue on page 4 of their response, that the fact of registration with and regulation by the State converts a private entity into a state actor. Nor does it become a state actor by nominating a candidate for a special election. Political Parties are regulated by law, as are political committees and other organizations, but they are given no responsibilities for overseeing elections, instead, their conduct is regulated by state actors exactly as other specified groups are on Election Day. Lastly, Plaintiffs allege no joint participation between the government and City Committee on Election Day which violated the rights of any voters or election participants. In fact, the opposite has been alleged. The Plaintiffs allege a neglect or failure to act to prevent violations by individual actors acting as individuals and not on behalf of City Committee.

Plaintiffs have consistently failed to state a claim upon which relief can be granted by this Court. Accordingly, based on the arguments contained in its previously-filed memorandum of law, Democratic City Committee asks this Court to dismiss the Complaint, with prejudice.

Respectfully submitted,

s/ Marni Jo Snyder

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